

Minutes of a Regular Meeting

Approved 2/2/06

Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, JANUARY 19, 2006, 7:00 p.m.

Council Chambers, 26379 Fremont Road

cc: Cassettes (2) #1-06

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Cottrell, Commissioners Carey, Kerns, Collins & Clow

Staff: Carl Cahill, Planning Director; Steven Mattas, City Attorney; Debbie Pedro, Senior Planner; Brian Froelich; Assistant Planner; Lani Smith, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Carey, seconded by Commissioner Collins, and passed by consensus to limit the length of time for public comments to three minutes and a one time trip to the podium, unless they are asked to come back by a Commissioner.

- 3.1 PREZONING OF UNINCORPORATED SAN ANTONIO HILLS AREA: Prezoning of approximately 82 unincorporated parcels (19.99 acres) east of the Town of Los Altos Hills and south of the City of Los Altos, generally between Magdalena Avenue and Eastbrook Avenue including Spalding Avenue, Par Avenue, Winding Way, Putter Avenue, and Putter Way. The proposed Town of Los Altos Hills zoning designation, Residential-Agricultural, would have no effect unless these lands were annexed to the Town. No such annexation is proposed as a part of this project. No physical changes are proposed as a part of this prezoning application (continued from December 8, 2005) (staff-Debbie Pedro).

PASSED BY CONSENSUS: To continue this item to the first meeting in February (2/02/06) to allow staff more time to research additional information per the direction of the Commission at their meeting on December 8, 2005.

PASSED BY CONSENSUS: To reverse the order of 3.2 and 3.3.

- 3.3 LANDS OF LOS ALTOS HILLS (APPLICANT: CINGULAR WIRELESS), 2 6379 Fremont Road (214-05-ND-IS-SD-CUP); A Site Development Permit and Conditional Use Permit for an unmanned wireless and emergency communications facility consisting of three (3) pairs of panel antennas and four (4) emergency communications antennas mounted on a 70' tall artificial tree pole with associated ground equipment at Town Hall. A 5'6" emergency radio antenna is proposed to be installed on top of the 70' pole for a total height of 75'6". No antennas are proposed to extend beyond the sides or above the tree canopy. The Planning Commission will also review the Cingular Wireless Three to Five Year Antenna Master Plan Application pursuant to Policy #6 of the Town Wireless Communication Facilities Policy (staff-Debbie Pedro).

Staff introduced this item by providing an over view of the Cingular wireless 3-5 year Master Plan as required by the Town's Wireless Communications Policy showing all sites anticipated to be required by the carrier for the next 3-5 years, to the best of their knowledge. There are currently four Cingular Wireless sites within the Town of Los Altos Hills: Foothill College; Little League Field; Purissima Hills Water District site on Ascension; and Cal Trans property at I-280 and Arastradero Road. The project in front of the Commission is for the Town Hall facility. There will also be a cell site proposed at the Purissima Hills Water District site on Arastradero Road and Purissima Road. There is a third project submitted by Cingular at St. Luke's Chapel which will be before the Commission in the near future. There are two other sites on the Cingular's master plan; Moon Lane and Purissima Hills Water District site on Matadero Creek Court. Staff provided an overview PowerPoint presentation of all the proposed sites. She further discussed the proposal for a wireless and emergency communications facility consisting of three (3) pairs of panel antennas and four (4) emergency communications antennas mounted on a 70 foot tall artificial tree pole with associated ground equipment. A 5'6" Town emergency radio antenna is proposed to be installed on top of the 70 foot pole for a total height of 75'6". The proposed emergency communications antennas will be connected to equipment in the existing Emergency Operations Center (Heritage House). She provided some slides of other tree poles located in Palo Alto and Mountain View. The tree pole design was selected as it will blend in best with the existing buildings and landscaping in the surrounding area. The aerial photograph shows the distance of the facility to the nearest residences; the closest residence at 120 feet away on Conejo Court; the farthest away is 330 feet away on Esperanza Drive. To mitigate the potential view impact of the tree pole, staff is recommending the installation of a number of fast growing evergreen trees, six of them to be planted on the north property line to screen the view from the Bien property, six trees to be planted on the west side to help break up the view from the Hubbell property and two trees to be planted close to the Brier's property.

The Town has received a number of letters from the Brier's attorney, the latest one received late this afternoon which had some incorrect statements referring to the Master Plan application.

Commissioner Clow asked if the tree can match the surrounding trees.

Planner Pedro further discussed the roll of this five year Master Plan and what relevancy it has on a decision and how the Planning Commission should respond to the Master Plan referring to the Town's Wireless Communication Policy. Each of the proposed sites needs a separate application and approval.

Commissioner Kerns noted that condition #15 regarding the trees, the requirement in terms of the size is written slightly differently than #13 and #14 referring to a 20 foot minimum height at installation; #15 refers to a 36" box. Planner Pedro responded by stating that they had contacted Tom Klope, the landscape architect for the Town Hall to see what maximum size trees could be placed there. Because this area is already developed with the generator and also some existing trees, the 36" box tree is the maximum size that can be installed without a crane.

OPENED PUBLIC HEARING

Tony Kim, Cingular Wireless representative, stated that Cingular Wireless has been committed to providing effective coverage in this part of Town for nearly three years. Their radio engineers tested the site at various heights, analyzing the data realizing that a minimum of 70 feet would be necessary to provide effective coverage to the surrounding area. Town Hall and Town owned properties are preferred locations and therefore this proposal is in accordance with Town priorities. Technological requirements necessitated 70 feet in height. Since there are other existing trees, they felt a tree pole would be the best to disguise the antennas and blend into the surrounding environment. The panel antennas will not be visible to public view. The cabinets that operate this facility will be enclosed in the existing shed. They are proposing to construct a four foot tall wooden screen so the shed is not visible from the street. He felt what was critical and very important for this proposal is that the tree will be co-locatable. Cingular has been working with the emergency communication folks for two years now. Without them the tree could handle two more carriers in addition to their installation. He felt this was a good proposal and would greatly improve the coverage in the area. They respectfully requested approval of this application.

Discussion ensued regarding the proposed color of the tree pole and working with staff, how to make it appear more natural to blend into the surroundings.

Commissioner Kerns referred to another Cingular site, SF18-11, Purissima Hills water tank, asking how much analysis have they gone through in terms of evaluating sites.

Tony Kim stated cell phones are no longer a luxury but a necessity.

Commissioner Carey questioned co-location of another carrier asking how much lower the Emergency Communication antenna would have to be to accommodate a second carrier. Mr. Kim felt it really depended on the carrier's needs and the size of the antennas needed. He felt that they could accommodate one more carrier directly below their antenna. They could accommodate two more carriers without the emergency antennas.

David Gilmour, Emergency Communications Committee member, felt it was great to enhance the cellular service in this area however emergency communication is badly needed by the Town. In a disaster, the cellular network will not function. It is not designed to be emergency communications equipment. What they have designed with an array of talent (engineering and operational) on their committee is a system that will do so. He provided information regarding how the antennas will function during an emergency (committee manning a desk). Each one of the antennas is connected to a wire to a radio to a human being who is a volunteer trying to save lives and property in this Town in the event of an emergency. He would urge the Commission to seize this wonderful opportunity to get the Town's infrastructure funded. He further discussed the rational and requirements needed for the height of the antennas.

Commissioner Carey asked what the Town's current emergency capability was, how many antennas are on site and how tall are they, and what do they need to do that they cannot do now.

Mr. Gilmour stated in the current configuration the antenna is useless for supporting the positions in EOC because they interfere with each other. As a result, they do not use the EOC to its intended capabilities. Everyone would agree that more is better for technology support in Town. He did not feel the Town has done the detailed planning to determine whether a second cell system could in fact work. However, when the next cell carrier comes to the podium to speak, they will wish to be at the 70 foot position and only they may speak to their requirements.

Commissioner Carey asked if they could use only two antennas instead of four antennas so they can get another cellular carrier on the tree pole.

Mr. Gilmour stated that the Committee felt that the four antennas are appropriate and necessary to make the EOC work according to the operational plan. Commissioner Carey asked if there would be any personal use of the antennas. Mr. Gilmour responded no. It is only for drills and emergencies.

Jim Abraham, EOC member, was delighted with what Cingular has offered to do (free antenna system) adequate for their needs. If you want more carriers on the tree pole, grow the tree a little (8 feet for an additional carrier). When other carriers come along, they will want 70 feet in height also.

Sandy Humphries, Environmental Design Committee, asked if there are any additional generators to be placed on the site. Staff responded no. Since the Town Hall generator is noisy, Humphries requested it be triple re-enforced to keep the Town quiet.

Rhonda Breier, Esperanza, backyard neighbor of Town Hall, stated that she can see the current tower (COW) from every room in her house. She had a gorgeous view until it went in. This problem has been taken care of with the (proposed artificial) tree around it which does not look so bad. The real problem she has with it is that her son and all of her neighbors use the bus stop there. Her house is 330 feet from the antenna site. She has three children and is worried about how much they do not know about low frequency radiation. She referred to a resolution passed by the Los Angeles School Board six years ago to keep cell towers off school property or

anywhere near or adjacent school property. The resolution stated “potential health effects to individuals especially children from exposure to extremely low frequency, electromagnetic and radio frequency radiation”. Just like everyone else she likes using her cell phone but she is concerned that this particular cell tower is right where it is a bit dense (neighbors, Town Hall employees, the bus stop). She felt there were many other places where there would not be an immediate exposure to homes, offices, bus stops and children. She was not against the tower; it just doesn’t make sense to place it here. At the very least she suggested a six month moratorium/study. If it has to be on this property at least put it near the parking lot and away from the kid’s bus stop.

Mark Breier, Esperanza Drive, stated that they have battled over this land before. He felt it was ridiculous that the bus stop is not indicated on this map. He works for Plantronics who makes head phones and he knows all the data is inconclusive. There are enough issues that experts are saying do not put antennas close to kids. He suggested a six month moratorium to figure out what is the appropriate method to deal with cell phone coverage. The other tower being proposed tonight has very few people around it. This tower has three or four residences, the sheriff’s station, bus stop and the Council Chambers all within 300 feet from this antenna. For the Town record, he left a design of the residents’ alternate suggested footprint for the New Town Hall, and utilization of open space discussed at the time of the review of the new Town Hall.

Gary, Esperanza Drive, stated he was new to the area, living next to the Briers. He too has a cell phone. In the interest of maintaining the rural nature of the community, they should find less environmentally impacted locations for the tower. Also, the Town should have an overall coordinated plan considering available sites, and the consensus between the different operating companies where these can be co-located. They should take six months to figure out how they want communications to be set up in Town.

Dede Huffman, Catherine Court, agreed with the previous speaker in that just because it is Town owned land does not necessarily make it the best places for a cell tower. She was not sure if they should be relying on Cingular to determine the best locations for towers. She felt they needed a Town policy that was more comprehensive. The current policy does not discuss possible damage to nearby neighbors (property values). She felt it was a time to take a step back to figure out what the Town really needs; not what Cingular needs. Cingular’s first proposal was for a flag pole that was only 50 feet. Why do they need 70 feet now?

Scott Dunham, Development Manager for T-Mobile, stated since there are questions regarding other carriers, he was available to offer any information or answer any questions. Many times people are afraid of something that they are unfamiliar with which is certainly the case here. Both T-Mobile and Cingular operate on PCS communications which is a lower strength than the old analog signals. Those systems did not come to the United States until the 1996. The systems have been available in Europe for 20 years before they came here. The FCC did not allow them to come here prior to that date as they too wanted to do a long term study before allowing the licenses here. Regarding co-location, due to the topographical problems, height is very important. Topography dictates how the systems are built (line of sight communications). If you shorten the height, you increase the number of towers which is not beneficial to the community. This is why

Cingular and T-Mobile as well as many of the other carriers try to maximize the height by using artificial means to blend into the environment.

Barry Smith, Estacada Drive, felt the cell phone coverage in his area is poor. The citizens want to urge the Commission to find a way to improve the cell phone coverage. He urged approval of this project as they need to get moving on solving this problem. He was hopeful they would educate themselves regarding co-location.

Randy Harr, Miranda Road, cautioned the Commission regarding the throwing out of facts without justification behind them. These are very complicated issues. He did not feel this tower would be allowed under European standards in this location. He encouraged the Commission not to take information presented at face value.

Dru Anderson, Chair, Emergency Communications Committee, stated that they had previously proposed a similar antenna on a 60 foot lattice tower, changing it to a monopole. Staff asked them to work with Cingular on a co-location to see if they could co-exist. She further discussed emergency communication and cell coverage. They are always happy to work with staff regarding working out any technical needs.

Robert Weller, Senior Engineer with Hammett & Edison, stated that Cingular Wireless had retained his firm to study the exposure potential of this particular tree pole site (staff report attachment #7). The conclusion is that the maximum exposure calculated is about three tenths of one percent of what is allowable under FCC guidelines for a 24 hour a day, seven days a week, 365 days a year exposure. He discussed the comparison of the exposure from this operating cell site facility versus talking on a cell phone. The exposure your head would get from talking on a cell phone is about 5,000 times greater than the maximum exposure calculated at ground level from this site. He further discussed long term health effects referring to three studies conducted over a 16 year period with no trends found.

CLOSED PUBLIC HEARING

Commissioner Clow felt tree design is an improvement over a bare tower. The construction of tree poles has improved over the past 5 to 6 years although he was concerned with the choice of color. He was convinced by the testimony given regarding health effects. He felt the location was well studied. The Town is getting a tremendous gift by being able to cite the emergency facilities in this tree pole. He would strongly urge that they do not reduce the Emergency Communication position on this tree pole. He supports the recommendation to the City Council for the use permit for Cingular with co-location with the Emergency Communication antenna with the use of a more natural color.

Commissioner Collins supports this application. Regarding health effects, they must rely on the current FCC regulations and the report from the wireless providers that they are meeting those regulations. They also should support the Town's Wireless Communications Policy and not put the project on hold for six months to a year. She also supports the EOC and what is needed in this tower.

Commissioner Kerns concurred with the previous comments. Cellular coverage is an issue in Town. There is a need for more cell towers and they want to encourage carriers to come into the Town. He would like to see an increase in height to allow one additional carrier while keeping the EOC antennas in place (increase 8 to 10 foot range) although this could not be approved tonight.

Tony Kim stated they wanted to move forward with the application. He felt they could design the tree so in the future if someone wanted to add on, it could be added onto the top of the tree.

Commissioner Carey felt the Town has a very defined wireless communication policy in place. This project fits the policy very well. He felt Cingular has presented a reasonable master plan, the project meets the FCC health requirements. His concern was with co-location. He suggested requiring as a condition of approval that the antenna be designed with a potential change in the configuration of the emergency communication antenna so a second carrier is co-locatable. He would like this issue to be reviewed by Cingular and Council in more detail with the goal that two cellular carriers be co-located, if at all possible.

Chairman Cottrell stated that cell phones are a utility; we all want them but not the towers. He felt the evidence is strongly in favor of supporting this project. The data regarding the health issues supports the project and the co-location for an additional carrier should be reviewed (not mandatory). The findings in Attachment 2 are reasonable as well as the conditions of approval.

Brief discussion ensued regarding co-location of another carrier.

Steve Mattas discussed adopting the recommendation before them and direct the issue of confirming the capability of a second carrier on the pole be presented to the City Council. It would not change the environmental impact study or the entitlement. It is more of an actual question as to whether it is feasible. The representative from Cingular stated it is feasible and the Commission could direct this information be presented to Council as a recommendation.

MOTION SECONDED AND PASSED: Motion by Commissioner Carey and seconded by Commissioner Clow to forward a recommendation that the City Council adopt the attached Initial Study and Mitigated Negative Declaration and approve the requested Site Development and Conditional Use Permits, subject to the recommended conditions and findings in Attachments 1 and 2 with further recommendation to Cingular, Emergency Communication Committee and the City Council that a co-location space be provided for a second cellular carrier, if possible. Cingular Wireless will work with staff to select a natural color for the tree pole branches.

AYES: Chairman Cottrell, Commissioners Collin, Kerns, Clow & Carey
NOES: None

This item will be scheduled for a future City Council agenda.

3.2 LANDS OF PURISSIMA HILLS WATER DISTRICT (CINGULAR WIRELESS), APN#142-16-077. (216-05-CUP-VAR); Cingular Wireless requests a Site Development Permit, Conditional Use Permit and a Setback Variance to allow an unmanned wireless communications facility consisting of three (3) paired antennas mounted to an 87' tall treepole and associated ground equipment located in the required setback. CEQA Status: Mitigated Negative Declaration (staff-Brian Froelich).

Staff introduced this item by providing background information regarding the site which is owned by the Purissima Hills Water District. The nearest residential building is 400 feet to the southeast, Lands of Chu who also sent a letter of concern regarding this proposal. He provided a PowerPoint presentation of the layout of the site (triangular in shape). Applying the standard setbacks basically encompass the whole site. As discussed with the previous item, a radio frequency report was prepared with the project. The applicant has also submitted a Master Plan showing their coverage. An Initial Study was also prepared for this project with mitigation measures addressed. The project is located on a priority public use site. The project does require a Conditional Use Permit and a setback variance; findings attached to the staff report. The project does comply with FCC exposure standards per report by Hammett and Edison.

OPENED PUBLIC HEARING

Tony Kim, Cingular Wireless representative, discussed the proposal for an 87 foot tree pole. Their coverage map indicates poor to intermediate coverage in that area. Reviewing the 3 to 5 year plan map, they plan to bridge the coverage gap in the northern section of Town. This site will enable them to do so and provide effective coverage in the area. The mono-pine will blend in with the existing trees and is located as close as possible to I-280 and the Cal Trans property. The mono-pine will be designed for co-location and the antennas will not be visible from public view. He believed this site is a preferred location, consistent with the existing use and Cingular Wireless is intending to provide effective coverage in the Town of Los Altos Hills. He requested approval of this application.

Commissioner Carey asked why they need a tower where he already has four bars.

Robert Weller, Electrical Engineer with Hammett and Edison, responded by discussing the overall coverage plan and areas of poor coverage. They like to design for intermediate to good coverage all over. There is a potential for one or two additional carriers for co-location on this site. Due to the topography of the site an 87 foot tower is needed.

Speaker, Purissima Road, discussed the height noting that the tower is 87 feet and the top of the tree exceeds that so they should say it is 100 feet. The Town is very strict regarding height requirements for all structures asking for story poles in the future to depict the height of the project. Also, the Town should have a plan rather than using the cell company's plan. Another concern discussed was radiation and the accumulated effect with more carriers on the site.

Scott Dunham, T-Mobile, expressed a desire to co-locate with Verizon at the Westwind Barn site.

CLOSED PUBLIC HEARING

Commissioner Carey was satisfied that this project meets the Town's Wireless Communication Policy and satisfied the Cingular has presented a reasonable master plan and meets FCC exposure/health requirements. He was concerned regarding the 87 foot height but he was not in a position to challenge the engineers. He voiced support of the project.

Commissioner Kerns also voiced support of the project asking for the same condition as the previous application regarding matching colors to blend with the trees in the area.

Commissioner Collins also voiced support of the project noting the proposed 87 foot height was because it was in a hole. She asked Mr. Weller to respond to the radiation concerns with multiple carriers.

Bob Weller responded that his firm was retained by Cingular Wireless to study the site. Even if there were four carriers co-located on this pole, each of them adding a similar amount would not cause any out of compliance situation.

Chairman Cottrell also voiced support of the project.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Kerns to forward a recommendation that the City Council adopt the attached Initial Study and Mitigated Negative Declaration and approve the requested Site Development, Conditional Use Permit and setback variance, subject to the recommended conditions and findings of approval in Attachments 1, 2, and 3. Cingular Wireless will work with staff to achieve a natural color for the tree pole.

AYES: Chairman Cottrell, Commissioners Collin, Clow, Carey & Kerns
NOES: None

This item will be scheduled for a future City Council agenda.

4. OLD BUSINESS-none

5. NEW BUSINESS

- 5.1 City Council Meeting Attendance update
- 5.2 Highly Visible Lots (continued from December 8, 2005) (staff-Leslie Hopper)
(continued to the next scheduled Planning Commission meeting)
- 5.3 Discussion-scheduling two meetings in February (2/02 and 2/16)

PASSED BY CONSENSUS: To schedule a second meeting in February.

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for January 12th, Commissioner Collins reported on the following: consideration of fee exemption for building permits issued by the Town for solar energy generation equipment; discussion of controlling potential issues with Eucalyptus trees in Los Altos Hills; and introduction of proposed ordinance amendments to the Town's Zoning Code with regard to fences, walls, gates and columns (Section 10-1.5.507).

6.2 Planning Commission Representative for January 26th -Commissioner Kerns

6.3 Planning Commission Representative for February 9th -Commissioner Collins

6.4 Planning Commission Representative for February 23rd -Commissioner Clowl

7. APPROVAL OF MINUTES

7.1 Approval of December 8, 2005 minutes

APPROVED BY CONSENSUS: To approve the December 8, 2005 minutes with a minor correction to page 7.

8. REPORT FROM FAST TRACK MEETING-DECEMBER 20, 2005

8.1 LANDS OF JONES, 26347 Esperanza Drive (78-05-ZP-SD); A request for a Site Development Permit for a new 5,248 square foot single-story residence (maximum height 18 feet) (existing house to be demolished) with a 3,065 square foot basement. The proposal includes modification of the existing driveway (staff-Brian Froelich). Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING- DECEMBER 13, 2005 AND JANUARY 3 & 10, 2006

9.1 LANDS OF ASKARI, 27820 Elena Road (190-05-ZP-SD); A request for a Site Development Permit for a landscape screening and erosion control plan for the new 7,072 square foot residence (height-27 feet). The new residence was approved December 31, 2002 (staff-Brian Froelich). Approved with conditions.

9.2 LANDS OF DIETRICH & MOLNAR, 12541 Zappettini Court (171-05-ZP-SD); A request for a Site Development Permit for a 400 square foot garage (height-12 feet) and a new driveway access from Zappettini Court (staff-Debbie Pedro). Approved with conditions.

9.3 LANDS OF SCARAMPI, 25550 Moody Road (235-05-ZP-SD); A request for a Site Development Permit for landscape screening, erosion control plan and a new fence & gate for a new residence (staff-Debbie Pedro). Approved with conditions.

- 9.4 LANDS OF KIM, 14300 Saddle Mountain Drive (176-05-ZP-SD); A request for a Site Development Permit to remove an existing deck and patio and add a new pool, patio, arbor structure, and walkways. The proposal includes new development area totaling 4,751 square feet. (staff-Brian Froelich). Approved with conditions.
- 9.5 LANDS OF SLOSS, 12787 Normandy Lane (227-05-ZP-SD); A request for a Site Development Permit for exterior and interior remodel and hardscape improvements (staff-Debbie Pedro). Approved with conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:15 p.m.

Respectfully submitted,

Lani Smith
Planning Secretary